

Record No. 22-12796-A

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UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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3M COMPANY,  
*Defendant-Appellant*

v.

RICHARD VALLE,  
*Plaintiff-Appellee*

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On Appeal from the United States District Court  
for the Northern District of Florida

MDL No. 19-02885

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**STATEMENT OF NON-OPPOSITION TO 3M'S MOTION TO HOLD  
APPEAL IN ABEYANCE**

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September 11, 2023

*Counsel for Plaintiff-Appellee Valle*

**CERTIFICATE OF INTERESTED PERSONS**

Under Eleventh Circuit Rule 26.1-1, counsel for Plaintiff-Appellee Valle hereby certifies that the Certificate filed by Defendant-Appellant is complete and correct.

Dated: September 11, 2023

Respectfully submitted,

/s/ Ashley Keller

Ashley Keller  
*Counsel for Plaintiff-Appellee Valle*

**STATEMENT OF NON-OPPOSITION TO 3M'S MOTION TO HOLD APPEAL  
IN ABEYANCE**

3M correctly noted that Plaintiff-Appellant Valle opposed its Motion. However, in light of discussions that took place after the filing of the Motion, Mr. Valle no longer opposes holding the appeal in abeyance.

The cases 3M cites apply the ordinary rule that courts have discretion to stay a case if *both* sides ask for it. *See Caremark, Inc. v. Coram Healthcare Corp.*, 113 F.3d 645, 647 n.1 (7th Cir. 1997) (“the parties suggested that we suspend our consideration of this matter because of pending settlement negotiations. We did so, but were later informed by the parties that their earlier expectations had not been realized.”); *Ctr. for Biological Diversity v. E.P.A.*, 56 F.4th 55, 60 (D.C. Cir. 2022) (“The parties then jointly requested that we hold the petitions in abeyance to allow for settlement negotiations.”). While granting a stay while one side opposed would be improper, the Court has discretion to grant a stay where both sides agree. Because Mr. Valle now agrees to a stay, the Court should grant the Motion.

Dated: September 11, 2023

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Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

This response complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 182 words, excluding the parts exempted by Fed. R. App. P. 27(a)(2)(B).

This response complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionately spaced typeface using Microsoft Word Times New Roman 14-point font.

Dated: September 11, 2023

/s/ Ashley Keller  
Ashley Keller  
*Counsel for Plaintiff-Appellee Valle*

**CERTIFICATE OF SERVICE**

On September 11, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. All participants in this case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Ashley Keller  
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